UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC., EVENTBRITE INC. and STARWOOD HOTELS & RESORTS WORLDWIDE, INC.,
Petitioner

V.

AMERANTH, INC. Patent Owner

Case CBM2016-00006 Patent No. 6,871,325

Submitted Electronically via the Patent Review Processing System

PATENT OWNER'S PRELIMINARY RESPONSE



TABLE OF CONTENTS

	<u>Page</u>
Con	tents
I.	STATEMENT OF PRECISE RELIEF REQUESTED
II.	INTRODUCTION1
III.	THE PETITION DOES NOT ESTABLISH STANDING
IV.	CLAIM CONSTRUCTION 5
1.	"wireless handheld computing device"5
2.	"central database"5
3.	"web page"6
4.	<i>"web server"</i> 6
5.	"communications control module"6
6.	"synchronized"7
7.	"hospitality applications"7
8.	"application program interface"
9.	"outside applications"
10.	"integration"
11. the	"wherein the communications control module is an interface between hospitality applications and any other communications protocol" 12
12. 're.	"wherein the synchronized data relates to 'orders,' 'waitlists' and servations'" respectively as to claims 11, 12 and 13
V.	THERE HAS BEEN NO SHOWING OF OBVIOUSNESS
	Neither §103 Challenge Provides Disclosure Or Suggestion Of ospitality Application" Functionality
	There Is No Teaching Or Suggestion Of "A Central Database ntaining Hospitality Applications And Data"
C.	There Is No Disclosure Of Claims 11-13 First Wherein Clause 30
D.	There Is No Disclosure Of Claims11-13 Element "b"
E.	There Is No Disclosure Of Claims 11-13 Element "d"



F. Neither Reference Discloses An "Application Program Interface" That "Enables Integration of Outside Applications with the Hospitality Applications"	
G. Neither Reference Discloses A "Communications Control Module" No "Wherein The Communications Control Module Is An Interface Between The Hospitality Applications And Any Other Communications Protocol" 4	
H. Neither Combination 9 Or 11 Teaches The "Orders," "Waitlists' And "Reservations' Hospitality Aspects Of Claims 11-13 As Properly Construedms	51
I. Objective Evidence of Non-Obviousness	52
1. There is a very strong nexus between the evidence of "secondary considerations" and the challenged claims.	54
2. The Ameranth patents in this family, including the challenged claims, have been extensively licensed.	51
3. Ameranth's products enjoyed substantial, widespread, commercial success	54
4. Ameranth's 21 st Century Restaurant received numerous technology awards and industry acclaim	57
5. Ameranth received overwhelming industry praise for the 21 st Centur Restaurant technology	•
6. Starbucks and numerous other companies copied the Ameranth technology reflected in the challenged claims	71
7. Other companies tried and failed to develop the integrated, synchronized Ameranth technology	78
8. Objective Evidence Conclusion.	30
VI. CONCLUSION	30



TABLE OF AUTHORITIES

	<u>Page</u>
Cases	
Allen Archery, Inc. v. Browning Mfg. Co., 819 F.2d 1087 (Fed. Cir. 1987)	69
Ameranth v. Pizza Hut et al., Case No. 3-11-cv-01810 (S.D. Cal. 2013)	56
Berk-Tek LLC. v. Belden Techs., Inc., IPR2013-00059, FWD 34 (PTAB April 28, 2014)	36
Columbia Univ. v. Symantec Corp., No. 2015-1146, slip op. (Fed. Cir. Feb. 2, 2016)	9,16
Crocs, Inc. v. ITC, 598 F.3d 1294 (Fed. Cir. 2010)	71
Dynamic Drinkware, LLC v. National Graphics, Inc., 800 F.3d 1375 (Fed. Cir. 2015)	36
Eli Lilly & Co. v. Zenith Goldline Pharmaceuticals, Inc., 471 F.3d 1369 (Fed. Cir. 2006)	67
Gambro Lundia AB v. Baxter Healthcare Corp., 110 F.3d 1573 (Fed. Cir. 1997)	54,69
In re GPAC Inc., 57 F.3d 1573 (Fed. Cir. 1995)	54, 63
Heidelberger v. Hantscho Prods.,	



21 F.3d 1068 (Fed. Cir. 1994)	72
HIMPP v. Hear-Wear Techs., LLC, 751 F.3d 1362 (Fed. Cir. 2014)	37
In re Roufett,	
149 F.3d 1350 (Fed. Cir. 1998)	62
<i>Kurtz v. Belle Hat Lining Co., Inc.,</i> 280 F. 277 (2 nd Cir. 1922)	71
	/ 1
Microsoft Corp.v. Proxyconn, Inc., 789 F.3d 1292 (Fed. Cir. 2015)	5
PAR Pharma., Inc. v. TWI Pharm., Inc., 773 F.3d 1186 (Fed. Cir. 2014)	22
Power Integrations, Inc. v. Fairchild Semiconductor Int'l, Inc., 711 F.3d 1348 (Fed. Cir. 2013)	56
Power-One v. Artesyn Techs, Inc., 599 F.3d 1343 (Fed. Cir. 2010)	. 69, 76
Rambus v. Rea, 731 F.3d 1248 (Fed. Cir. 2013)	. 55, 69
Teva Pharm., Inc. v. Sandoz, Inc., 723 F.3d 1363 (Fed. Cir. 2013)	54
Unique Concepts, Inc. v. Brown, 939 F.2d 1558 (Fed. Cir. 1991)	38
Vandenberg v.Dairy Equip. Co., a Div. of DEC Int'l, Inc., 740 F.2d 1560 (Fed. Cir. 1984)	75



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

